IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.372 OF 2004

Shri Yamuna Prasad Singh ...Petitioner
Vs.
The Principal
Atomic Energy Central School & Ors. ...Respondents

Mr.R.L. Majgaonkar for Petitioner
Mr.V.A.Gangal for Respondent Nos.1 to 3
Mr. M.S.Karnik i/b. Mr. S.S. Sarkar for Respondent No.4

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 29TH JUNE, 2005

P.C.

1. Heard Mr. Majgaonkar in support of this Petition. Mr. Gangal appears for Respondent Nos.1 to 3. Mr. Karnik appears for Respondent No.4.

2. The Petition seeks to challenge the order of termination dated 7th July, 2003 passed by Respondent No.2, the Secretary, Atomic Energy Central School, who is having his office at Mumbai. The Petitioner was earlier working in a Kendriya Vidyalaya, Karimkanj at Assam and there after was appointed in a school run by Respondent No.2, by appointment order dated 21st October, 2002. He was appointed as a Teacher of Hindi/Sanskrit in their school situated at Kalpakkam in the State of Tamilnadu. He was on probation for two years and clause three of the appointment letter states that during the probationary period the Petitioner's services are liable to be terminated at any time without notice and without assigning any reasons.

. It so transpired that he deposited a Demand Draft of Rs.85,000/- in his Savings Account with Bank of India at Kalpakkam. This was supposed to be sent by his Bankers in Assam i.e. Central Bank of India, since he was working earlier in Karimkanj, Assam. It was later on found out that the amount was not Rs.85,000/- since his balance was only Rs.85/-. The F.I.R. was lodged against him which was brought to the notice of the School Management. Considering all these facts the School Management issued the order of terminating his services by the impugned order dated 7th July, 2003.

2. The Petitioner seeks to challenge this order. Mr. Majgaonkar, learned Counsel for the Petitioner states that the amount of Rs.85,000/- has not been credited in his account and he is not a party to any such fraud. In any case the fact remains that as far as School Management is concerned in view of this F.I.R. it did not want to continue such a person as a Teacher in the School. Therefore, it invoked the clause No.3 with respect to the rights of the Management during the probation period and passed the order of termination.

3. Mr. Gangal appearing for Respondent Nos.1 and 2 submits that it would be a moot question as to whether a Writ Petition would be maintainable against

the Atomic Energy Education Society and in his submission it is not an authority under Article 12 of the Constitution. But that apart, he points out that impugned order is fully protected under the terms of appointment. We accept the statement. There is no reason to foist such a Teacher on the School. Hence, Petition dismissed.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)